

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Ramiro Garcia,

Petitioner

v.

Warden Chestnut,

Respondent

Case No. 2:24-cv-02314-CDS-BNW

Order Directing Petitioner to Submit  
Application to Proceed *In Forma Pauperis*  
or Pay Filing Fee

Ramiro Garcia has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. ECF No. 1-1. He has not, however, either paid the \$5.00 filing fee or submitted a completed application to proceed *in forma pauperis* with the required inmate account statements for the past sixth months and financial certificate. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice will materially affect a later analysis of any timeliness issue with respect to a new action.

It is therefore ordered that before February 18, 2025, petitioner must submit either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*.

It is further ordered that failure to do so will result in the dismissal of this action without prejudice and without further prior notice.

It is further ordered that the Clerk of Court retain the petition but not file it at this time.

Dated: January 16, 2025

  
Cristina D. Silva  
United States District Judge